IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1070 OF 2006.
IN
CRIMINAL APPLICATION NO. 243 OF 2006.
IN
CRIMINAL APPEAL NO. 232 OF 2006.

Ganesh Shantaram Kadam & anr. ... Applicants.
Versus.
The State of Maharashtra. ... Respondent.

Shri P.B.Waghmare i/by Ms.Anjali Patil for the Applicants.

Shri D.P.Adsule, A.P.P. for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 22nd December, 2006.

P.C.:

1. Heard the Advocate for the Applicant and heard the learned A.P.P. for the State.

2. The prayer in this application by the Applicants (Appellants-Accused) is for relaxation of condition imposed by this Court of attendance to the Police Station. One of the grievances made by the Applicants is that when they regularly attended the Police Station, on every attendance day, the Police officers of the MIDC Police Station used to keep them waiting for four to five hours and the Applicants were also told to do some work in the Police Station.

3. As I find that similar allegations are being made in number of cases, I called upon the learned A.P.P

to assist the Court by ascertaining whether there is any specified procedure adopted by the Police Stations for recording the attendance of the accused in compliance with the conditions imposed by the Court while granting bail. The learned A.P.P. submitted a report signed by the Deputy Inspector General of Police (L.& O.) on behalf of the Director General of Police, Maharashtra State, Mumbai. In the report is it stated as under:

> "The attendance of such accused persons is marked in the Register at the Police Station/ in the Station Diary, in accordance with the terms and conditions prescribed in the Hon'ble Court's order, hence there is no such prescribed procedure. Besides making the attendance in the Register/Station Diary, an entry is also made in the diary kept by the concerned accused person. There is no specified officer in every Police Station entrusted with the job of making the attendance that is so because I.O. may not be available at the relevant time or he might have been transferred to some other place, hence specifying a particular officer may create unnecessary hurdles in complying with the Hon'ble Court's order. However, any S.H.O. present at the Police Station can mark

such attendance."

4. Thus it is stated that in every Police Station attendance is marked in register or in station diary and an entry is also made in the diary, if any, maintained by the concerned accused person.

5. It is desirable that at every Police Station a separate register is maintained for marking the attendance of the accused and arrangement should be made to ensure that some Police personnel is available regularly to make an entry in the said register and in the diary, if any, maintained by the accused. If this procedure is adopted, the work of marking attendance will be completed efficiently and all usual allegations which are made by the accused persons can be certainly avoided.

6. Turning to the facts of the present case, the Appeal is of the year 2006. The Applicants been directed to attend the Police Station once in a month on every Monday. The Applicants have been regularly attending the concerned Police Station. As the appeal is not likely to be heard in the near future, the condition deserves to be relaxed. Considering the facts and circumstances of the case, the Applicant will have to mark attendance at the Police Station once in every

two months. As regards the allegations made in the affidavit of the Applicants, it is obvious that the concerned Officers will make a note of the said allegations and ensure that there is no undue harassment to any accused.

7. Hence the Application is disposed by the following order:

i) The condition imposed in order dated 1st March 2006 in Criminal Application No.243 of 2006 is modified and the Applicants are directed to report to the M.I.D.C.Police Station, Andheri, once in two months till disposal of the Appeal.

ii) A copy of this order be forwarded to the Director General of Police, Maharashtra State.

Judge.